

Appl. No.: 10/053,940  
Filed: January 22, 2002  
Page 8

### REMARKS/ARGUMENTS

Applicants appreciate the thorough examination of the present application, as evidenced by the first Official Action. Applicants also appreciate the indication in the Official Action that Claims 3-8, 14 and 18 are allowable, and would be allowed if rewritten in independent form to include all the recitations of a respective independent claim. With respect to the remaining claims, namely Claims 1, 2, 9-13, 15-17 and 19-24, the Official Action has rejected the claims as being anticipated or rendered obvious in view of a number of references. More particularly, the Official Action has rejected Claims 1, 2 and 15 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,572,616 to Kowel et al.; rejected Claims 1, 9, 10 and 12 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,414,547 to Matsuo et al.; and rejected Claims 9, 10, 12 and 13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,333,720 to Suzuki. In addition, the Official Action has rejected Claim 11 under 35 U.S.C. § 103(a) as being unpatentable over either the Suzuki patent or the Matsuo patent; and rejected Claims 16, 17 and 19-24 under 35 U.S.C. § 103(a) as being unpatentable over the Kowel patent, in view of U.S. Patent No. 6,480,285 to Hill and U.S. Patent No. 6,388,809 to MacAulay.

In response to the Official Action, Applicants have amended allowable dependent Claims 3, 14 and 18 to include the recitations of independent Claims 1, 9 and 15, respectively. Applicants therefore respectfully submit that amended independent Claims 3, 14 and 18 are in condition for immediate allowance. Applicants have also cancelled independent Claims 1, 9 and 15. Correspondingly, Applicants have amended dependent Claim 2 to depend from amended independent Claim 3, amended dependent Claims 10, 12 and 13 to depend from amended independent Claim 14, and amended dependent Claims 16 and 19 to depend from amended independent Claim 18. Thus, as current and amended dependent Claims 2 and 4-8, 10-13, and 16-17 and 19-20 each depend, directly or indirectly, from respective amended independent Claims 3, 14 and 18, Applicants also respectfully submit that the rejections of dependent Claims 2 and 4-8, 10-13, and 16-17 and 19-20 are in condition for immediate allowance.

In addition, Applicants have amended independent Claim 21 to more clearly define the claimed invention. More particularly, Applicants have amended independent Claim 21 to recite that the liquid crystal adaptive lens (LCAL) includes at least on pair of conductors connected by

Appl. No.: 10/053,940  
Filed: January 22, 2002  
Page 9

at least one connector and in electrical contact with at least two closed-loop electrodes. Further, Applicants have amended independent Claim 21 to recite that the variable control voltage is applied via the pair(s) of conductors. In this regard, Applicants note that, consistent with the Examiner's statement of reasons for allowable subject matter, none of the cited references, including the Kowel, Matsuo, Suzuki, Hill or MacAulay patents, teach or suggest, individually or in combination, a method of focusing a liquid crystal adaptive lens, where the lens includes pair(s) of conductors connected by connector(s) and in electrical contact with at least two closed-loop electrodes, as recited by amended independent Claim 21. Applicants therefore respectfully submit that amended independent Claim 21 is patentable for at least the reasons given in the Examiner's statement of reasons for allowable subject matter. As such, Applicants respectfully submit that the rejections of amended independent Claim 21, as well as the claims that depend therefrom (i.e., dependent Claims 22-24), are overcome.

Appl. No.: 10/053,940  
Filed: January 22, 2002  
Page 10

### CONCLUSION

In view of the amendments to the claims and the remarks presented above, Applicants submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Andrew T. Spence  
Registration No. 45,699

Customer No. 00826  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111

#### CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (703) 872-9306 on the date shown below.

  
Sarah B. Simmons

Date

12-05-03